

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
NORTHERN DIVISION

UNITED STATES OF AMERICA,)
ex rel. [UNDER SEAL])
Plaintiff,) Civil Action No. 3:11-CV-185
v.) JORDAN/SHIRLEY
[UNDER SEAL],)
Defendant.)

FILED EX PARTE AND UNDER SEAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
NORTHERN DIVISION

UNITED STATES OF AMERICA)
ex rel. WILLIAM C. HYSER)
)
Plaintiffs/Relator)
) Civil Action 3:11-CV-185
) JORDAN/SHIRLEY
v.)
)
EOD TECHNOLOGY, INC., AND)
DOES 1 THROUGH 75, INCLUSIVE) **FILED UNDER SEAL**
)
Defendants.)
)

UNITED STATES' EX PARTE STATUS REPORT

The United States submits this *ex parte* status report in support of its application for extension of time to notify the Court of a decision regarding intervention.

The United States Attorney's Office for the Eastern District of Tennessee, together with personnel from various federal agencies, are continuing their ongoing, comprehensive investigation into the allegations raised in the Complaint filed by the relator. Adding to the complexity of the investigation Sterling Operations, Inc. ("Sterling"), formerly known as EOD Technology ("EODT"), is currently the subject of ongoing, parallel civil and criminal investigations and a previously filed *qui tam* action ("EODT I") that is also pending in this Court,¹ upon which this investigation could have some impact. For purposes of efficiency, and to avoid conflict or duplication of efforts, the investigation of relator's allegations in this case and the broader, preexisting investigations of Sterling have been coordinated and are proceeding in tandem.

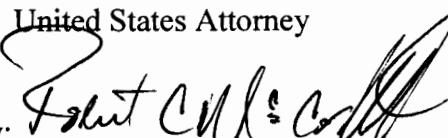
¹ See U.S. ex rel. [Under Seal] v. EOD Technology, Inc., et al., No. 3:10-CV-204, E.D. Tenn.

Since obtaining its last seal extension, the United States has, among other things, negotiated with counsel for Sterling regarding the criteria and parameters to be used in an attempt to narrow the scope of a large universe of emails that Sterling contends are potentially privileged and, therefore, subject to manual privilege review before the emails can be made available to the investigative team for substantive review. That process remains ongoing. In addition, once relevant, non-privileged emails have been reviewed and analyzed, it is anticipated that a number of additional witnesses may need to be interviewed and that additional information will need to be requested from Sterling before the undersigned counsel will be in a position to make a recommendation regarding intervention in this matter.

Given these circumstances, the United States respectfully requests that the Court hold an *in camera* status conference in chambers during which the undersigned counsel can apprise the Court in more detail the status of the ongoing investigation, and grant the United States' application for extension of time to notify the Court of a decision regarding intervention.

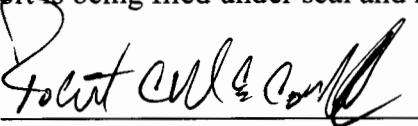
Respectfully submitted,
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United States Attorney

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CERTIFICATE REGARDING SERVICE

I hereby certify that this *Ex Parte* Status Report is being filed under seal and has not been served on any other party to this action.



Robert C. McConkey, III
Assistant U.S. Attorney